



DOCKET NO: 226683US26

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MARIE-PASCALE AUDOUSSET : EXAMINER: ELHILO, EISA B.  
SERIAL NO: 10/617,304 :  
FILED: JULY 11, 2003 : GROUP ART UNIT: 1751  
FOR: PROCESS FOR DETERMINING :  
THE COMPOSITION OF A DYE  
PRODUCT

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated June 23, 2006, Applicants provisionally elect, with traverse, Group I, Claims 1-34 and 44-50 for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction Requirement because the computer program product of claims 35-43 instructs a computer to carry out the process of claims 1-34 and 44-50 to obtain the same information of claims 1-34 and 44-50, which is the composition of a dye product. Furthermore, the PTO has not carried forward its burden of proof to establish that searching and examining both of the noted sets of claims would be an undue burden.

Particularly, M.P.E.P. § 803 states:


If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

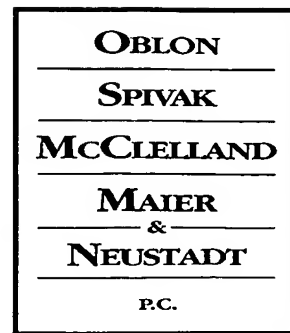
  
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Steven P. Weihrouch  
Registration No. 34,648

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)



Docket No.: 226683US26



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/617,304  
Applicants: Marie-Pascale AUDOUSSET  
Filing Date: July 11, 2003  
For: PROCESS FOR DETERMINING THE  
COMPOSITION OF A DYE PRODUCT  
Group Art Unit: 1751  
Examiner: Elhilo, Eisa B.

SIR:


Attached hereto for filing are the following papers:

#### Restriction Response

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch

Registration No. 32,829

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)